

REMARKS

In the March 13, 2006 Office Action, claims 1, 15 and 16 were objected to for informalities. Claims 1-16 were rejected under 35 USC § 112, first paragraph. Claims 9 and 14 were rejected under 35 USC § 112, second paragraph. Claims 1-8, 10, 11, 15 and 16 were rejected under 35 USC § 102. Claims 12-14 were rejected under 35 USC § 103; and claim 9 was objected to as containing allowable subject matter but depending from a rejected base claim or intervening claims.

Claims 1-3, 8, 10, 13, 14 and 16 are herein amended. Claims 7, 9 and 15 are herein cancelled without prejudice or disclaimer. Limitations of dependent claims 7 and 9 are herein substantially incorporated into independent claims 1 and 16. Thus, claims 1-6, 8, 10-14 and 16 are pending and under consideration. The objections and rejections are traversed below.

Examiner Interview

Applicants' wish to thank the Examiner for conducting a telephone Interview today during which the Examiner clarified that the indicated allowability of claim 7 alone in numbered paragraph 12 of the Action was in error. The Examiner confirmed that he had intended to indicate claim "9" instead of 7 in paragraph 12.

Allowable subject matter

In item 11 of the Office Action, the Examiner indicated that claim "9 would be allowable if rewritten to overcome the rejections(s) under 35 U.S.C. 112, 2nd paragraph ... and to include all of the limitations of the base claim and any intervening claims" (Office Action, page 9, lines 8-11).

Applicants' acknowledge with appreciation the indication of allowable subject matter. As noted above, limitations of cancelled claims 7 and 9 are incorporated into dependent claims 1 and 16 substantially in accordance with the Examiner's recommendations.

Claim objections

In item 1 on page 2 of the Office Action, claims 1, 15 and 16 were objected to because of informalities. It was alleged in the Office Action that "it is unclear whether 'control information' (in claim 1) at lines 7-8 and 'control information' at line 11 refer to the same control information" (Office Action, page 2, lines 3-5). Claim 1 is amended to recite "the control information" at line 8,

thereby clarifying that "the control information" recited at line 11 refers to the antecedent "control information" recited at line 8.

Further, it was required in the Office Action, that the recital of "'3rd" (claim 1, line 4) ... be changed to 'third'" (Office Action, page 2, line 6). Claim 1 is amended to recite "third" at claim 1, line 3 to obviate the rejection. Claim 15 is cancelled; therefore, the objection to claim 15 is moot. Claim 16 is amended in a manner similar to claim 1. Thus, it is respectfully requested that the objections to claims 1 and 16 be withdrawn.

Rejections under 35 USC § 112, first paragraph

On pages 2 and 3 of the Office Action, claims 1-16 were rejected under 35 USC § 112, first paragraph allegedly because the specification is not enabling for the limitation "extracting header information belonging to a 3rd layer and higher *layers* of a network protocol" (Office Action, page 2, lines 19-20). Further, it was suggested in the Office Action, that "Applicant may overcome this rejection by amending the claims to recite "belonging to a third layer and a higher layer of a network protocol" (Office Action, page 3, lines 7-8).

Claim 1 is amended to recite "extracting header information belonging to a third layer and a higher layer of a network protocol" (claim 1, lines 3-4) as suggested in the Office Action. Claim 15 is cancelled; therefore, the objection to claim 15 is moot. Claim 16 is amended in a manner similar to claim 1. Thus, it is respectfully requested that the rejections under 35 USC § 112, first paragraph of pending claims 1-6, 8, 10-14 and 16 be withdrawn.

Rejections under 35 USC § 112, second paragraph

In item 6 on pages 3 and 4 of the Office Action, claims 9 and 14 were rejected under 35 USC § 112, second paragraph because "it is unclear to what 'items' (line 7) [are being referred to in claim 9] (Office Action, page 3, lines 18-19) and in claim 14, for "the limitation 'the priority thereof' ... there is insufficient antecedent" (Office Action, page 4, lines 1-2).

Claim 9 is cancelled. However, the limitations of claim 9 are incorporated into claims 1 and 16; furthermore, claim 1 is amended to clarify that the "process determining circuit outputs the packet from the input/output port represented by the control information acquired from the table containing header information belonging to a higher layer" (claim 1, lines 15-18). Claim 16 is amended in a manner similar to claim 1. Thus, claims 1 and 16, which incorporate the limitations of claim 9, are definite.

Claim 14 is amended to recite the limitation "the priority of the packet" and thus finds antecedent basis for this limitation in claim 13.

It is respectfully requested that the rejections under 35 USC § 112, second paragraph be withdrawn for claim 14. Thus, pending claims 1-6, 8, 10-14 and 16 are definite.

Rejections under 35 USC § 102

In Item 8 on pages 4 through 8 of the Office Action, claims 1-8, 10, 11, 15 and 16 were rejected under 35 USC § 102(e) as anticipated by Cathey (US Patent Application Publication No. 2002/0085560).

Claim 1 as amended recites the "process determining circuit outputs the packet from the input/output port represented by the control information acquired from the table containing header information belonging to a higher layer" (claim 1, lines 16-18) in a manner substantially suggested by the Examiner's "statement of reasons for the indication of allowable subject matter" (Office Action, page 9, lines 12-16). In this case, "header information" (claim 1, lines 17-18) as described in the specification on page 8, lines 19-25, page 9, lines 3-14, page 13, lines 1-10, page 21, lines 22-27 and FIG. 7, represents "particular items of control information ... acquired from the tables" (Office Action, page 9, lines 15-16). It was admitted in the Office Action that the applied "art does not specifically disclose a device such as described in claim 7" (Office Action, page 9, line 13) in association with claim 9 limitations referring to "control information acquired from the tables" (Office Action, page 9, lines 15-16). Therefore, nothing was cited or found in Cathey that teaches or suggests the limitations of claim 1 recited above. Thus, claim 1 is allowable.

Independent claim 16 recites "control information acquired from the table containing header information" limitations in a manner similar to claim 1. Dependent claims 2-6, 8 and 10-14 depend from claim 1 and subsequent base claims. Therefore, claims 2-6, 8, 10-14 and 16 distinguish over the applied art for reasons discussed in regard to claim 1.

Rejections under 35 USC § 103

In item 10 on pages 8 and 9 of the Office Action, claims 12-14 were rejected under 35 USC § 103(a) as unpatentable over Cathey.

Claims 12-14 depend from claim 1. Therefore, claims 12-14 distinguish over Cathey for the reasons discussed above in regard to the traversal of the rejection of claim 1. Nothing was cited or found in Cathey that teaches or suggests the limitations recited in claim 1. Furthermore,

nothing was cited or found in Cathey that teaches or suggests motivation to modify Cathey to derive the limitations admittedly missing in the applied art. For these additional reasons, claims 12-14 are allowable.

CONCLUSION

It is submitted that the reference cited by the Examiner does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-6, 8, 10-14 and 16 are in condition suitable for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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7/13/06

By: _____



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